Transfer of Municipal funds to Government by the President of the Trivandrum Municipal Council.

143. ***Mr. M. N. Paramesvaran Pillai** (*Municipal Councils*): Will the Government be pleased to state :

(*a*) whether they have directed the President of the Trivandrum Municipal Council to place at their disposal a lakh of rupees from the municipal funds for the maintenance of the Willingdon Water Works, Trivandrum, and, if so, under what provision of law ;

(*b*) whether the President of the Council has handed over to Government the said amount as per their direction ;

(*c*) whether the President has taken the permission of the Council to so transfer the money ;

(*d*) wherefrom the amount was transferred, from what items of municipal funds, and how was the transfer effected ;

(*e*) whether any portion of the fixed deposit in favour of the Council in the Government Treasury was withdrawn or adjusted before the date of its maturity for meeting the demand ;

(*f*) whether the President has taken the permission of the Council to transfer or adjust the fixed deposit in the manner he has done ;

(*g*) whether the rules governing fixed deposits permit such transfer before the date of maturity ;

(*h*) whether the Government have accounted to the Council the amounts due from them during 1111 under ;

(i) water-tax on Government buildings ;

(ii) the cess collected by the Water-Works and Drainage Engineer both from Government and from the private consumers for water taken for domestic as well as for non-domestic purposes ;

(iii) amount realised along with applications for water connection ; and

(iv) supervision charges realised by the Water-Works Department for giving house connections, &c. ;

(*i*) what is the total amount so due ; and

(*j*) whether that amount has been placed to the credit of the Municipal Council as yet ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: (*a*) Yes. Under Section 199 (3) of Regulation X of 1108 and 30 (1) of the Municipal Regulation, V of 1095.

(*b*) Yes.

(*c*) No.

(*d*) At the instance of the President, Municipal Council, Trivandrum, the Sub-Treasury Officer, Trivandrum, was instructed by the Account Officer to adjust one lakh of rupees out of the Council's surplus, including fixed deposits (not matured), to the credit of the Willingdon Water-Works.

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(*e*) Yes.
(*f*) No.
(*g*) Yes.
(*h*) (i). The water-tax on Government buildings has to be collected by the Municipal Council.
(ii) Yes.
(iii) No.
(iv) No.
(*i*) and (*j*). During 1111, a sum of Rs. 17,659-18-5 was placed to the credit of the Trivandrum Municipality being the collections from meter ratings for that year. The income from other items will be credited shortly.

Mr. M. N. Paramesvaran Pillai: With reference to answer to part (*a*), may I know whether there is any provision under Section 199 empowering Government to direct the Municipal President to part with the Municipal funds ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Section 199 (3) lays down that the amount of contribution shall be paid by the Council to Our Government.

Mr. M. N. Paramesvaran Pillai: May I know whether independent of the Council the President has got any authority to part with the funds ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Government gave the order and the President carried it out. The question about the contribution of a lakh of rupees was referred to the Council and they passed a resolution refusing to make the contribution. Government therefore gave orders to the President to pay up the amount and he did so.

Mr. M. N. Paramesvaran Pillai: May I know under what provision of the law they have empowered the President, Municipal Council, to do so ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Under Sections 199 (3) and 30 (1)

Mr. M. N. Paramesvaran Pillai: May I know which is that particular part of the Section which gives such a power to the President ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Section 30 (1).

Mr. M. N. Paramesvaran Pillai: May I know whether under Section 30 (1) the President or the Government has got power to part with the municipal funds like that ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: The President has got the power to carry out the orders of Government.

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Mr. M. N. Paramesvaran Pillai : May I know whether a resolution was not passed requesting the President to report to cancel the order of Government ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Not after the resolution was passed but subsequent.....

Mr. M. N. Paramesvaran Pillai : May I know whether the President has got power to make such a report after the resolution is passed ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: It is then that the President has to report to Government.

Mr. M. N. Paramesvaran Pillai: With reference to answer to part (*b*), may I know whether there is a rule in the Account Code that the depositor should make a declaration that he will not withdraw the funds before the period expires ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: There is no specific rule that the depositor should not be allowed to withdraw money before the deposit matures.

Mr. M. N. Paramesvaran Pillai: May I refer the member to the rule in the Account Code which says that the depositor shall not withdraw his deposits before the expiry of the time ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: The deposit can be withdrawn before it matures under the specific orders of Government.

Mr. M. N. Paramesvaran Pillai : May I know under what authority the President adjusted this amount before the period expired ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : Under the orders of Government.

Mr. M. N. Paramesvaran Pillai : May I know whether the President has issued any orders ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : Government have ordered and not the President.

Mr. M. N. Paramesvaran Pillai : May I know in whose name the money was deposited ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: In the name of the Municipal Council.

Mr. M. N. Paramesvaran Pillai : May I know whether there was any resolution passed empowering the President to do so?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: The President is the administrative head of the Municipal Council who has to carry out the orders of Government.

Mr. M. N. Paramesvaran Pillai : May I know whether he has got power to transfer the funds of the Council ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Government ordered the transfer and the President carried out that order.

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